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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,581	12/06/2000	David M. Maymudes	MSI-637US	9810

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EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/731,581	MAYMUDES ET AL.	
	Examiner	Art Unit	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 27-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 5-7, 9-13, 17-19, 21-24, 27-32, 36-40, 44-45, 47-50 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #6,269,195 (Gonsalves et al).

- As for claims 1, 11, 12, 21-23, 27-30: Gonsalves et al teach a computer implement system and corresponding method for rendering video, comprising the means/steps of:

a video application (fig. 5) configured to enable a user to combine multiple different video clips (1:11-14),

bitmap processors operatively coupled with the video application and configured to receive a first bitmap (“original matte image”, 3:14-16) that can be used to render a transition between video clips and automatically process the first bitmap to provide a different transition based upon user input (3:18-67; 10:3-8). The first bitmap does not

comprise video clip content (i.e., the matte image can be created according to other images (3:30-31; 10:3-8).

- As for claims 2, 3, 13, 24, 31, 50: The first bitmap is processed through different modules (figure 6) to provide a second bitmap that is that is different from the first bitmap, to render a different transition (1:45-48; 3:18-67; 10:3-8).
- As for claims 5, 17, 36, 44: Replication of the first bitmap image is inherently included edit operation (e.g., copying, saving). Replication is also disclosed in modification of the first bitmap image (3:7-67; 10:69).
- As for claims 6, 18, 37, 45: Depending on the type of filter (1:55-60), the input parameter (8:40-62), the type of special effect (10:3-5), and/or the bitmap image used (e.g., original, intermediate, or the composite matte image (10:5-8)) the system provides an offsetting to the bitmap or a transition that is offset from the transition provided by the first bitmap.
- As for claims 7, 19, 38: The system includes means configured to provide a border ("edge") in a transition defined by the first bitmap (4:48-56; 8:9-13).
- As for claims 9, 10, 40: The system is configured to receive parameter(s) provided by the user to process the bitmap (8:40-62). The parameter(s) can be used to change the structure of the bitmap (8:3-5, 17-21).
- As for claim 32: Per Gonsalves et al, the original matte bitmap is processed through multi-stages of filtering to generate an intermediate matte image, a processed matte image, and other types of filters for filtering the processed matte images (3:14-67). The filtered matte images have predetermined gray scale values (6:4-24).

- As for claims 39, 47, 48: Gonsalves et al teach a computer implement system and corresponding method for rendering video, comprising the means/steps of:

a video application (fig. 5) configured to enable a user to combine multiple different video clips (1:11-14),

bitmap processors operatively coupled with the video application and configured to receive a first bitmap ("original matte image", 3:14-16) that can be used to render a transition between video clips and automatically process the first bitmap to provide a different transition based upon user input (3:18-67; 10:3-8). The first bitmap does not comprise video clip content (i.e., the matte image can be created according to other images (3:30-31; 10:3-8). The matte bitmap are filtered to predetermined gray scale values (3:14-67; 6:4-24).

- As for claim 49: Gonsalves et al teach a computer implement system and corresponding method for rendering video, comprising the means/steps of:

a video application (fig. 5) configured to enable a user to combine multiple different video clips (1:11-14),

means for receiving parameter(s) provided by the user to process the bitmap (8:40-62). The parameter(s) can be used to change the structure of the bitmap (8:3-5, 17-21). The parameters include a range that defines a border thickness that is used in connection with the matte bitmap to effect the second transition (6:17-24; 8:13 - 10:2)

bitmap processors operatively coupled with the video application and configured to receive a first bitmap ("original matte image", 3:14-16) that can be used to render a transition between video clips and automatically process the first bitmap to provide a

different transition based upon user input (3:18-67; 10:3-8). The first bitmap does not comprise video clip content (i.e., the matte image can be created according to other images (3:30-31; 10:3-8).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 8, 14-16, 20, 25, 33-35, 41-43, 46, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonsalves et al.

- As for claims 4, 14-16, 33-35, 41-43: Gonsalves et al fail to clearly teach the means for stretching and/or shrinking the bitmap. However stretching/shrinking are well known bitmap editing operations (see US patent #6,069,668, 5:20-22). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of stretching/shrinking to Gonsalves et al.

Motivation of the combining is for, e.g., matching the matte bitmap to the video frame.

- As for claims 8, 20, 25, 46, 51: Replication of the first bitmap image is inherently included edit operation (e.g., copying, saving). Replication is also disclosed in modification of the first bitmap image (3:7-67; 10:69). Depending on the type of filter (1:55-60), the input parameter (8:40-62), the type of special effect (10:3-5),

and/or the bitmap image used (e.g., original, intermediate, or the composite matte image (10:5-8)) the system provides an offsetting to the bitmap or a transition that is offset from the transition provided by the first bitmap. The system includes means configured to provide a border ("edge") in a transition defined by the first bitmap (4:48-56; 8:9-13). Gonsalves et al fail to clearly teach the means for stretching and/or shrinking the bitmap. However stretching/shrinking are well known bitmap editing operations (see US patent #6,069,668, 5:20-22). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of stretching/shrinking to Gonsalves et al. Motivation of the combining is for, e.g., matching the matte bitmap to the video frame.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

REMARKS:

In response to the argument that Gonsalves does not teach transitional effect between video clips, feathering is a special effect which provides transition effects such as dissolve, fading, smoothening, and blending between video clips.

In response to applicant's argument that there is no suggestion to combine the well known stretching and shrinking techniques to Gonsalves, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

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the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Gonsalves teaches the blending of the two images (1:22-31), editing the matte bitmap to produce a second transition different from the first transition (10:3-8). Blending requires at least the matching of the two video frames, which may requires the stretching/shrinking of the bitmap. Further, it is well known that stretching/shrinking can be used to edit the bitmap image to produce a different bitmap image. It would be readily appear to one of skill in the art to combine the well known stretching and shrinking techniques to Gonsalves for matching the images or changing the bitmap image to a different bitmap.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
12/22/04

BA HUYNH
PRIMARY EXAMINER